

Exhibit 3

Joint Declaration of Patricia Gándara and Gary
Orfield

- UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

center has commissioned and published more than 600 studies, many by leading scholars, over twenty-seven years.

3. We hereby submit the following expert declaration in support of Proposed Intervenor in *Texas v. Department of Homeland Security*, filed in the Eastern District of Texas, Tyler Division, on August 23, 2024. We base our opinion on a review of the materials cited and our education and experience in the field of education. A complete summary of our opinions and materials relied upon are included herein. We reserve the right to amend this declaration if additional evidence becomes available.

Assignment

4. We have been engaged by counsel for Proposed Intervenor in *Texas v. Department of Homeland Security*, filed in the Eastern District of Texas, Tyler Division, on August 23, 2024. The lawsuit challenges a new parole process that allows certain non-citizen spouses and stepchildren of U.S. citizens—who qualify and meet certain requirements—to apply to be considered on a case-by-case basis for parole for a period of up to three years. *See, e.g.*, Implementation of Keeping Families Together, 89 Fed. Reg. 67459 (Aug. 20, 2024). We have been asked to review Texas’s Complaint, ECF No. 1; Motion for Temporary Restraining Order, Preliminary Injunction, and Stay of Agency Action, ECF No. 3; supporting Declaration of Amy Copeland, ECF No. 3-2; Plaintiffs’ Corrected Combined Updated Motion for Preliminary Injunction and Stay of Agency Action, Motion for Summary Judgments, and Trial Brief, ECF No. 79; and supporting Declaration of Amy Copeland, ECF 79-3, and to provide a data- and research-based opinion on Texas’s claims regarding the effects of the challenged parole process on Texas’s educational costs and financial health. We have agreed to direct payment in the amount of \$1,500 total to the Civil Rights Project at UCLA to compensate for our expert analysis.

Summary of Opinions

5. First, Texas's claim that it suffers financially from the additional cost of educating bilingual students (which it only does at the primary school level) is not supported by its evidence. Second, Texas's estimates appear to exclude important data, such as federal compensation for students likely to receive bilingual education. Third, Texas's assertions also discount the value of education as an investment from which the state and its residents benefit.

Qualifications

Dr. Patricia Gándara

6. I, Dr. Patricia Gándara, am an elected fellow of the American Educational Research Association where I was awarded the Lifetime Achievement Award in Bilingual Education Research. I am also an elected fellow of the National Academy of Education as well as the American Academy of Arts and Sciences. Between 2011 and 2015, I served on President Obama's Commission on Educational Excellence for Hispanics, and I am the recipient of the Medalla de Reconocimiento Alfonso Garcia Robles of the Universidad Nacional Autónoma de Mexico for my work with immigrant students.

7. I am the author and/or editor of ten books and dozens of peer-reviewed articles on immigrant students, English learners, and language policy. Among my recent book publications are *The Bilingual Advantage: Language, Literacy, and the U.S. Labor Market* (2014), "The Students We Share: Preparing US and Mexican Educators for Our Transnational Future" (2021), and "*Schools under Siege: The Impact of Immigration Enforcement on Educational Equity*" (2021).

Dr. Gary Orfield

8. I, Dr. Gary Orfield, am an elected member of the National Academy of Education and a Fellow of the American Association for the Advancement of Science (AAAS). Awards I have received include the Columbia University Teachers College Medal, the Social Justice Award of the American Educational Research Association, the American Political Science Association Charles Merriam Award for my “contribution to the art of government through the application of social science research,” and two honorary PhDs.

9. My research includes twenty-one authored, co-authored, or co-edited books and scores of widely cited articles and reports. One of my books was cited by the Supreme Court in *Grutter v. Bollinger*, 539 U.S. 306 (2003). I have taught at six leading universities in political science, education, public administration, and public policy, as well as at the law schools at Harvard University, the University of Chicago, UCLA, and the University of Oregon. My work includes a number of studies of federal, state, and local education policy.

10. In addition to scholarly work, I have served as expert witness or special master in more than three dozen class-action civil rights cases. For example, I have been appointed by federal judges in St. Louis and San Francisco and by a state judge in Los Angeles to oversee local desegregation efforts. In Little Rock, a judge requested my testimony about the status of an ongoing case. I was also appointed by a federal judge in Tucson to assist a Special Master in designing and evaluating a desegregation process. I have also been retained as a consultant to many school districts; federal, state, and local governments; and civil rights and teacher organizations. Many of my studies, reports, and consultations have included issues of cost and budgets.

11. Much of my research considers the benefits of education and the costs of discrimination or exclusion. My 2022 book, *The Walls around College Opportunity*, includes an analysis of research on the benefits of educational attainment, especially for students of color. My widely cited edited book, *Dropouts in America*, shows the dramatic losses related to the failure to finish high school. I am currently completing a major study on the relationship between educational attainment in the U.S.-Mexico border region. I have supervised educational expenditures as part of my responsibilities as a court-appointed expert and special master in major federal court cases.

Texas's Estimates Are Without Support

12. Texas contends that educating undocumented immigrant students bilingually represents an inordinate additional cost to the state. ECF No. 1 at 15; ECF No. 3 at 56-57. We have reviewed the declaration in support of Plaintiffs' Corrected Combined Updated Motion for Preliminary Injunction and Stay of Agency Action, Motion for Summary Judgment, and Trial Brief by Associate Commissioner of School Finance at the Texas Education Agency, Amy Copeland. In that declaration, Ms. Copeland states that the cost of educating an "average" student in Texas is \$10,107, but that an immigrant student raises that cost to \$12,316 annually, an additional \$2,209 for *bilingual and compensatory education*. ECF No. 79-3 ¶ 2. The costs for each of these educational interventions are not broken down. Based on our research and expertise on the cost of providing bilingual education, we believe this cost estimate to be improbable.

13. We cannot know how Ms. Copeland arrived at the cost projections, particularly because she does not provide any description of the specific educational services to be rendered that would generate the estimated cost, and her estimates are not supported by any financial documents that Texas produced.

14. However, in research we and others have published (Gándara & Rumberger, 2006; 2008; Jimenez-Castellanos & Topper, 2012; Rumberger & Gándara, 2015) we find that the additional costs for meeting the instructional needs of students learning English can be as low as zero, depending on myriad factors, including whether there are existing, ongoing bilingual programs; the presence of a bilingual teacher; the amount of time dedicated to this instruction; the existence of materials already available in the schools; and the numbers of these students at a school site. Overall, research shows that providing instruction to English learners by a bilingual teacher is among the lowest costs of intervention because the bilingual teacher's skills in both languages lowers the costs of external support resources. (Carpenter-Huffman & Samulon, 1981; Parrish, 1994). Without more information about how Ms. Copeland arrived at her cost projections, it is not possible to know whether any of the cost-reducing factors apply to any bilingual education student in Texas.

15. It is also important to note that according to Texas educational policy, students are only provided the option of bilingual instruction through 5th grade, although not all students opt for bilingual instruction and most students have exited the program before the 5th grade.¹ Hence, most immigrant students in Texas are not eligible for bilingual instruction or choose to forego it. Discussion of costs should be about students actually receiving services, not the total population. In addition, many states, including some of those involved in this case, do not routinely offer bilingual education to any of their immigrant students, so there would be no costs associated with such instruction there.

¹ Gándara, P. & Rumberger, R. (2009). "Immigration, Language and education: How does language policy structure opportunity?" Teachers College Record, 111. Figure 4. Percentage of LEP students by grade level, California and Texas, 2005.

16. The majority of Ms. Copeland’s declaration in support of the summary judgment motion, as well as Plaintiff States’ assertions in their complaint and motion for summary judgment, reflect assertions about “unaccompanied [immigrant] children.” *See, e.g.*, ECF No. 79-3 ¶¶ 3-5 (demonstrating “the scope of expenditures to the State of Texas for educating non-citizen children by looking at the known particular subset of non-citizen children for which we have concrete data (UAC) [or unaccompanied children]”). It is our understanding that unaccompanied immigrant children are not eligible for the Keeping Families Together parole process at issue in this litigation. This suggests that Texas’s comparison is not representative of the population of children implicated by the program at issue in this case.

17. Moreover, Texas only provides a gross cost estimate for educational services provided to unaccompanied children—and thus, no way to estimate a per-child cost. This means it is impossible for us, or anyone, to extrapolate a comparison cost for KFT-eligible stepchildren of U.S. citizens, or children of KFT-eligible noncitizen spouses, who are already residing in Texas (a number that is also not provided in the declaration.) As such, we will not address these assertions, except to state that they are not relevant to our assignment and cannot illuminate any of the pertinent questions as to the cost of educating children as a result of the challenged program.

Texas’s Estimates Appear to Ignore Federal Compensation and Additional Offsetting Benefits

18. The claim that educating non-English speaking immigrant students involves a major cost for state governments must, of course, take into account the net incremental cost less the net incremental benefits. Moreover, education is not a sunk cost, it is an investment. If you pay \$100 for supplies but receive \$75 in benefits, the net cost is \$25. If the benefits are valued at \$125, there is no actual cost and there is a \$25 gain. Incremental costs refer to the actual increased

cost of adding a student to an existing school, which is much lower than the state's actual per student cost because the fixed costs of facilities and staff do not rise significantly from the addition of one or two additional students per class, which would often be the case for students from widely distributed parole families. In some cases, schools actually gain from additional students since the gain in aid is more than the low net incremental costs.

19. Ms. Copeland additionally fails to note that the federal government provides major compensatory education funds (Title I) for low-income students. Total per student funds from the federal government for Texas students in 2023 was \$2,688,² and Title III funds for English learners totaled approximately \$122 per student identified as an English learner in Texas in 2018, the latest year for which we have data.³ These funds should offset a significant part of the estimated additional costs for bilingual programs for these students, but do not appear to be netted out in (i.e., subtracted from) the state and local costs that Ms. Copeland claims cause Texas financial harm.

20. Additionally, professional bilingual education has been shown to have major educational benefits, including increasing students' success in the educational process. Educational success increases the probability of graduating from public schools (Rumberger, 2011), which raises employment and income (Bureau of Labor Statistics, 2022), thus providing substantial benefits to the state and local economy and tax revenue.

21. Being able to speak, read, and write more than one language is an *asset* for the state, not a liability. Those students who are educated bilingually will have more and better

² <https://tea.texas.gov/about-tea/government-relations-and-legal/government-relations/public-education-state-funding-transparency-may-2024.pdf>.

³ <https://ncela.ed.gov/sites/default/files/legacy/files/biannual-reports/OELA-BiReport16-18.508.pdf>.

opportunities in the labor market, earn more, and be more likely to go to college (Porrás, Ee & Gándara, 2014; Rumbaut, 2014; Santibañez & Zárate, 2014). This results in higher earnings for these individuals and consequently a bigger tax base for the state. The benefits of fluent bilingual skills can be particularly important for border states given the enormous and rapidly growing U.S.-Mexico trade and the large numbers of Spanish-speaking workers and customers in the population.

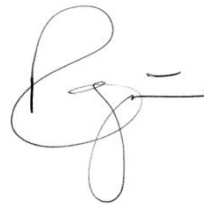
22. Immigrant students who are not provided quality bilingual instruction do not fare as well academically in English as those who are provided with this instruction (Umansky & Reardon, 20014; Porter et al, 2023). Individuals, on the other hand, with higher educational attainment, contribute more to their communities than less-educated individuals (Bowen & Bok, 1998) and require fewer state resources.

23. In reality, fluency in two languages is a labor market advantage and an asset, not a liability. That is a basic reason why many monolingual English-speaking families are applying for dual-language immersion programs in which children of both languages learn together and work together in a context where they actually become fluent bilinguals. There is high demand for dual language programs by monolingual U.S. citizen students (American Councils for International Education, 2021), yet the demand often cannot be met. This induces families to send their children to study abroad or go to private schools to obtain this valuable skill. Immigrant students who speak a non-English language fluently make these programs possible for more U.S. English-only students even as the immigrant students learn fluent English from native English speakers. This is a valuable opportunity—fluent language skills become permanent assets (Gándara, 2012).

24. The United States has insufficient language resources and needs young people entering the workforce with these linguistic skills. They are an asset to the labor market and an asset to employers. Our data show that, across all areas of the labor market, employers prefer to hire bilinguals over monolinguals (Porrás et al., 2008). As the country continues to change and the North American common market, extended by the Trump administration's United States-Mexico-Canada Agreement (USMCA)⁴ becomes ever more important in breaking the supply chain crisis, their value will only increase.

25. It is our opinion that Texas's claim of additional net expenses cannot be sustained, and that there is a good chance that there is either little or no net cost for the states. It is our additional opinion that Texas's assertion is an unsupported hypothetical without any reliable basis, certainly not without a great deal of information the state has not supplied. Finally, Texas ignores that education is an investment, possibly the very best investment, with substantial financial returns for the state, and thus Texas's claim does not represent a serious educational policy concern. Texas's claim as stated is unsupported and contradicts available data.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct.



Patricia Gándara, Ph.D.

⁴ <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement>.

A handwritten signature in black ink, appearing to read "Gary Orfield", written in a cursive style.

Gary Orfield, Ph.D.

Executed on October 21, 2024 at Los Angeles, California.

Exhibit A

to Joint Declaration of Patricia Gándara and
Gary Orfield

GARY ORFIELD

VITA

Present Position:

Distinguished Research Professor of Education, Law, Political Science and Urban Planning, University of California, Los Angeles; Co-Director, Civil Rights Project/ Proyecto Derechos Civiles, 2007-present

Professional Experience:

Director or Co-Director and Co-founder of Civil Rights Project, 1996-present

Professor of Education and Social Policy, Harvard University, 1991-2007, Co-Founder and Director, The Civil Rights Project at Harvard University, 1991-2007

Professor, University of Chicago, in the following units:

Political Science, Social Sciences in the College, Education, and Committee on African and Afro-American Studies, Lecturer, University of Chicago School of Law, 1981-1991

Professor of Political Science and Member, Institute of Government, University of Illinois at Urbana-Champaign, 1977-82

Consultant, Senate Committee on Labor and Public Welfare, 1976

Research Associate, Brookings Institution, 1973-77

Guest Scholar, Brookings Institution, 1972, 1981-82

Scholar-in-Residence, U.S. Civil Rights Commission, 1972-73

Assistant Professor, Princeton University, 1969-73

Assistant Professor, University of Virginia, 1967-69

Intern, Office of Management Planning, Agency for International Development, 1963

Academic Training:

B.A., summa cum laude, University of Minnesota, 1963

M.A., political science, University of Chicago, 1965

Ph.D., political science, University of Chicago, 1968

Academic Honors:

Member, National Academy of Education

Medal of Honor, Teachers College, Columbia University, 2005

Spencer Foundation Senior Fellow Award

Honorary Doctorate, Pennsylvania State Univ., 2011

Honorary Doctorate, Wheelock College, 2004.

Phi Beta Kappa

Minnesota All-College Scholar

General Motors Scholar

Woodrow Wilson Fellow

Danforth Fellow

Falk Fellow

Brookings Institution Research Fellow

Center for Advanced Study Fellow, University of Illinois, Urbana

Charles M. Merriam Award, American Political Science Association

Social Justice Award, American Education Research Association

Member, National Academy of Education
 National Public Service Award, Spelman College
 U.S. State Department sponsored visits & lectures in Spain, Czech Republic and Slovakia
 Visiting scholar, Sciences Po, Paris, 2009
 Lectures in universities and research centers in scores of universities in U.S. and
 England, Spain, France, Chile, Mexico, Czech Republic, Slovakia and South Africa.
 Laureate, Kappa Delta Pi, Honor Society in Education
 Lifetime achievement award, Fielding Graduate University

Publications

Books:

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- Orfield, G. & Paul, F. (1992). *State higher education systems and college completion* (a report to the Ford Foundation on a study of state institutional structure and policies and the rates of college completion) revised version printed in *Advances in Educational Policy*, 1.

Orfield, G. (1991). School desegregation: A social science statement. [Statement Accompanying Brief of the NAACP, Childrens Defense Fund, Southern Christian Leadership Conference, Mexican American Legal Defense Fund, etc. *Freeman v. Pitts*, U.S. Supreme Court, 1991 (organized and helped draft statement signed by 52 social scientists)].

Orfield, G. (1988, July). The growth and concentration of Hispanic enrollment and the future of American education. Report to National Council of La Raza.

Orfield, G., Slessarev, H. et al. (1986). *Job training under the new federalism: JTPA in the industrial heartland*. Illinois Unemployment and Job Training Research Project report to Subcommittee on Employment Opportunities, U.S. House of Representatives.

Public Knowledge and Busing Opposition, (designed and analyzed this national survey and wrote the report issued by the U.S. Commission on Civil Rights in 1978).

Orfield, G. (1977). *Desegregation and the cities: The trends and the policy choices* [staff report]. Washington, DC: U.S. Senate Committee on Human Resources.

Orfield, G. (1976). Conclusion (chapter). *School desegregation: Making it work, a report to the Rockefeller Foundation* (pp. 90-94). East Lansing, MI: Michigan State University.

Orfield, G. (1975). White flight research: Its importance, perplexities, and possible policy implications. *Symposium on school desegregation and white flight*. Washington, DC: Center for National Policy Review. Reprinted in *Educational Forum* and elsewhere.

1974. *Politics in America: Studies in policy analysis*. New York: Random House. Co-authored a study of black representation in administrative decision-making in Washington.

Orfield, G. (1973, July-October). A proposed study on desegregation. *Integrated Education*, p. 35. This reprint, the request for proposals sent by the U.S. Civil Rights Commission to major American research institutions regarding the design of a national longitudinal study of the impacts of school desegregation, a study which would answer the major criticisms of the Coleman Report and provide data on desegregation of Chicano and Puerto Rican children.

Miller, L. P. and Orfield, G. (1986). (Ed), *Brown Plus Thirty*. New York University Metropolitan Center, 1986).

Book reviews in American Political Science Review, Political Science Quarterly, Social Science Quarterly, Chronicle of Higher Education, American Journal of Sociology.

Selected Government and Civic Group Reports:

2011: *The CSU Crisis and California's Future*, Civil Rights Project.

2011: "Diversity and Educational Gains: A Plan for a Changing County and its Schools," report to Jefferson County, KY Board of Education

1999: "Progress Made, Challenges Remaining in San Francisco School Desegregation" Chair of Committee report to U.S. District Court, San Francisco. January

- 1992: "Desegregation and Educational Change in San Francisco: Findings and Recommendations on Consent Decree Implementation," Chair of court-appointed panel reporting to Federal District Court. July
- 1992: "State Higher Education Systems and College Completion," report to the Ford Foundation (with Faith Paul). November
- 1991: "Building an Integrated Community: Racial Trends and Community Choices in Palm Beach County," Report to Project Mosaic. March
- 1989: "Can the Educational Systems Produce the Workers Needed in Metropolitan Chicago: Trends and Policy Questions for the Coming Generation," Report to Chicago Economic Development Commission. August
- 1987: "Fair Housing in Metropolitan Chicago: Perspectives after Two Decades," Report of Chicago Area Fair Housing Alliance to the U.S. Department of Housing and Urban Development." (Editor, Research Director, and author of first chapter).
- 1984: "The Chicago Study of Access and Choice in Higher Education," co-author, Report to Illinois State Senate Committee on Higher Education. September
- 1983: "State Housing Policy and School Desegregation," Report to Education Commission of the States. September
- 1981: "Busing, White Flight, and Urban Policy: The Evidence and the submitted to Dept. of HUD."
- 1981: "Housing and School Integration in Three Metropolitan Areas: A Policy Analysis of Denver, Columbus and Phoenix," Report to U.S. Department of Housing and Urban Development. February
- 1981: "Measuring Equity Requires Measuring Integration," Paper for HUD Equity Indicators Workshop. March
- 1981: "The Housing Issues in the St. Louis Case," Report to Federal District Court, St. Louis. April
- 1981: "The Voluntary Metropolitan Plan," Report to Federal District Court, St. Louis. July
- 1981: "Building on a Generation of Accomplishment: Maintaining and Strengthening Desegregation in Little Rock" (with Shirley McCune), Report of Desegregation Assistance Team to Little Rock School District. December
- 1980: "The St. Louis Desegregation Plan," Report to the Federal District Court, St. Louis. May
- 1979: "Voluntary Desegregation in Chicago," Report to Illinois State Superintendent of Education. February
- 1978: "Integration in Chicago," Report of the Technical Assistance Committee to the Illinois State Board of Education. May
- 1978: "Desegregation Principles for Los Angeles," Report to Superior Court for the County of Los

Angeles. November

Congressional and Judicial Testimony

House Education and Labor Committee:

1977, June: Bilingual education
1979, September: Incentives for Voluntary Metropolitan Integration
1981: Civil Rights Enforcement
1985, October: Assessment of Job Training Partnership Act

House Judiciary Committee:

1972, March: Antibusing amendment to Constitution

House Government Operations Committee:

1975, November: Revenue Sharing

House Select Committee on Children, Youth and Families:

1987, March: Race Relations and Adolescents

House Subcommittee on Civil and Constitutional Rights:

1982, September: Reagan civil rights enforcement record; Los Angeles School case
1982, September: Report on study prepared for subcommittee from U.S. Dept. of Education data
showing national and regional progress on desegregation from 1968-1980
1985, March: Civil Rights Restoration Act of 1985

House Subcommittee on Indian Affairs:

1973, May: Menominee Restoration Act

Senate Committee on the Judiciary, Subcommittee on the Constitution:

1977, July: Anti-busing legislation
1982: Proposals to restrain judicial remedies in school desegregation cases

Senate Interior Committee:

1973, September: Menominee Restoration Act

Senate Judiciary Committee:

1969, September: Haynsworth Supreme Court nomination hearings
1970, January: Carswell Supreme Court nomination hearings
1971, November: Rehnquist nomination hearings
1986, August: Rehnquist nomination hearings

Senate Labor and Public Welfare Committee:

1967: written testimony on Indian policy
1969, August: Memorandum to Subcommittee on Indian Education on reorganization of BIA

Senate Select Committee on Equal Educational Opportunity:

1970, October: Feasibility of desegregation

Joint Economic Committee:

1992, April: Urban Poverty and Development

Participation in Civil Rights Cases:

Austin:

- affidavit on impact of return to neighborhood schools

Baltimore

- affidavit and deposition on subsidized housing segregation case

Buffalo

Directed study of Buffalo school selection process under an Agreement between the Buffalo Board and the U.S. Office for Civil Rights

Chicago:

- deposition on enforcement of *Gautreaux* housing desegregation
- testified as witness for integrated South suburban communities against the National Association of Realtors
- testified as witness for Leadership Council on Metropolitan Opportunities in Fair housing case

Cincinnati:

- deposition on subsidized housing segregation case for legal services office
- Hamilton County deposition on subsidized housing segregation case

Dayton and Columbus:

- assisted in drafting of social science brief submitted by plaintiffs to the Supreme Court

DeKalb Co., GA:

- helped draft social science brief to Supreme Court

Denver:

- testified as witness for NAACP Legal Defense Fund and Mexican American Legal Defense Fund

Hartford:

- testified for plaintiffs on metro school equity case NAACP Legal Defense Fund, Puerto Rican Legal Defense Fund, and Connecticut Civil Liberties Union & Testified later on adequacy of remedy, deposition on next stage of litigation, deposition on later stage of case

Kansas City:

- testified as witness for the NAACP Legal Defense Fund & testified as witness of renewal of desegregation plan
- helped prepare social science brief to the Supreme Court

Houston:

- testified as witness for Justice Dept. in metropolitan case

Little Rock:

- deposition on report prepared by desegregation assistance center for Little Rock Board of Education; testified many years later as court-appointed expert

Los Angeles:

- testified as witness on report prepared as court-appointed expert in desegregation case Los Angeles
- affidavit on continuation of desegregation plan and magnet schools

Louisiana:

- deposition on racial equity and desegregation of state higher education System in *U.S. v. Louisiana* as witness for Southern University system

Louisville:

- testimony on desegregation case for school board on several occasions
- helped prepare social science brief to the Supreme Court
- helped prepare a new desegregation plan

Lynn, MA:

- affidavit and testimony on desegregation case

Memphis:

- testified as witness for NAACP Legal Defense Fund

Milwaukee:

- deposition on metropolitan desegregation for Milwaukee School Board

Omaha:

- gave deposition as witness for Justice Dept. on school desegregation

Ohio:

- for legal services office in housing discrimination litigation

Oklahoma City:

- deposition on housing discrimination case

Philadelphia:

- testimony on case on University of Pennsylvania scholarships for Philadelphia students

Rockford, Illinois:

- testimony on desegregation case for plaintiffs

Rochester, NY:

- affidavit on metropolitan inequality case

St. Louis:

- testified first as witness for U.S. Dept. of Justice and then, several times, on reports prepared as court-appointed expert

San Francisco:

- served as Court-appointed expert, special master, and chair of Consent Decree Comm.

Seattle: testified as witness for Seattle Board defending school desegregation plan

South Suburban Housing Center, metro Chicago:

- testified as a witness for Center against National Association of Realtors suit against Fair housing practices

Tampa (pupil competency test litigation):

- testified as witness for Bay Area Legal Services

Tucson, AZ

- appointed by judge as expert in desegregation case

University of Michigan:

- testimony on Law School affirmative action case
edited book cited in Supreme Court decision

University of Washington Law School:

- affidavit on affirmative action case

Massachusetts

affidavit on discriminatory impact of state exit examination
affidavit on litigation against initiative prohibiting bilingual education

California

expert report on *Williams* school equity case

Professional Activities:

Co-Director and Founder, (with Christopher Edley, Jr. of Harvard Law School), The Civil Rights Project at Harvard University, 1996-2004; Director, 2004-2006, Co-Director, Civil Rights Project/ *Proyecto Derechos Civiles*, UCLA, 2006-present.

Adjunct Fellow, Joint Center for Political Studies and Member of Social Policy Task Force

Member, American Political Science Association, Congressional Fellowship Advisory Committee, 1976-78

Member, American Political Science Association, Committee on Status of Blacks in the Profession, 1987-90

Member, American Political Science Association, Nominating Committee for National Officers, 1992-93

Consultant, APSA Division of Educational Affairs and High School Curriculum Project Midwest Political Science Association, Section Chair and Program Committee Member, Annual Meeting, 1979, Member Nominating Committee, 1980

Member, National Review Panel on School Desegregation Research and American Academy of Arts and Science Task Force on Urban School Desegregation

Consultant, U.S. Commission on Civil Rights, Rand Corp., Applied Urbanetics, Ford Foundation, Justice Department, Dept. of Housing and Urban Development, National Institute of Education, Senate Committee on Labor and Public Welfare, Kentucky Commission on Human Relations, American Indian Policy Review Commission, Education Commission of the States, Illinois Office of Education, National School Boards Association of Minnesota Dept. of Education

Member, Editorial Boards, *Policy Studies Journal*, *Teachers College Record*, *Cultura y Educacion (Spain)*, *Evaluation Studies Review Annual*, *Equity and Excellence in Education*, *Integrated Education*, *American*

Journal of Education. Soundings, Educational Researcher, advisory committees *Harvard Education Letter*, & *School Policy Legal Insider*
Associate Editor, American Journal of Education, 1982-88
Chairman, Study Group on School Desegregation, National Institute of Education, 1978-81
Court-Appointed Expert, Los Angeles (1978-79), St. Louis (1980-81), and San Francisco 1981-82, 1987-2005) Little Rock, School Desegregation Cases
Vice Chairman, Mayor's First Source Task Force, Mayor Harold Washington, Chicago, 1985-88
Member and Chair, Evaluation and Screening Committee, Project Self Sufficiency (employment and housing demonstration), Cook County, Illinois, 1985-86
Member, Board of Directors, Leadership Council on Metropolitan Open Communities, Chicago (1982-1992), Chicago Urban League, OPEN.
Task Force co-chair, Southern Education Foundation, 1980s.
Chairman, Study Group on School Desegregation, National Institute of Education, 1978-81
Court-Appointed Expert, Los Angeles (1978-79), St. Louis (1980-81), and San Francisco 1981-82, 1987-2005) School Desegregation Cases
Vice Chairman, Mayor's First Source Task Force, Mayor Harold Washington, Chicago, 1985-88
Member and Chair, Evaluation and Screening Committee, Project Self Sufficiency (employment and housing demonstration), Cook County, Illinois, 1985-86
Member, Board of Directors, Policy Studies Organization
Chairman, National Institute of Education Study Group on Desegregation Research
Member, Research Advisory Committee, U.S. Civil Rights Commission's National School Desegregation Study, 1984-85
Research Director, Chicago Fair Housing Alliance, 1985-87
Director, National School Desegregation Research Project, 1986-88
Director, Metropolitan Opportunity Project, Univ. of Chicago, 1986-92
Director, Illinois Budget Analysis Project, 1987-92
Director, Indiana Youth Opportunity Project 1991-1996
Director, Harvard Project on School Desegregation, 1992-98
U.S. appointee on OECD project on measuring educational equity.

Courses Taught:

American Government,
Urban Policy Analysis (Housing),
Law and Society,
President and Congress,
Intergovernmental Relations,
Legislative Process,
State and Local Government,
Administrative Process,
Problems in Administrative
Management, Administrative Institutions,
Urban Politics,
Government and Black America,
Congress and Urban Policy;
The Politics of Food: Production, Regulation and Distribution,
Manpower Policy,
Housing Policy and Urban Communities,
Policy Analysis, Field Research Project in Public Policy,
Class Action Litigation,
Social Policies of the Sixties,

Government and Minority Rights,
Education Policy,
Social Science and Law,
Bureaucratic Politics,
State Government and Policy Making,
Minority Opportunities in the Contemporary U.S.,
Higher Education: Institutions and Policy,
Government and Metropolitan Communities,
Civil Rights Remedies: Theories and Consequences,
Poverty, Public Policy and Urban Schools,
Politics and Policy Cycles
Education Policy and Law,
Access to College,
Racial Change, Immigration and the Twenty-First Century Metropolis
Education Policy and Urban Poverty;
Civil Rights Enforcement Seminar
Brown v. Board of Education and American Schools”Educational Impacts of Segregation, Desegregation,
Integration, Resegregation.
Research Seminar on Affirmative Action
Equal Rights and Unequal Schools: The American Dilemma

Race and Education
Seminar on High School Reform

University and Community Participation (years of service omitted):

Member faculty advisory committee, UCLA, Bunche Center on African American Studies
Member faculty advisory committee, Harvard University Rockefeller Center on Latin America
Member faculty advisory committee, Harvard University DuBois Center
Member faculty advisory Committee, Harvard University Native American Program
Member and Education School Representative, University Committee Human Rights
President, Liberal Arts Student Government, University of Minnesota
Organizer, state-wide student volunteer program on Minnesota Native American Indian reservations
Founder, Movement for a New Congress and Board Member, Congressional Action Fund
Member, Board of Directors, Fund for an OPEN Society
Member, National Advisory Board, National Federation for Neighborhood Diversity
Member, National Advisory Board, Leadership Council for Metropolitan Open Communities
Chairman, Task Force on Devolution of Power to the States, Southern Education Foundation
Member, Research Advisory Committee, Chicago Panel on Public School Finances
Member and Chair, Research Advisory Committee, Chicago Urban League
Member, Board of Directors, Chicago Urban League
Member, Board of Advisors, Designs for Change
Member, National Advisory Committee, NAACP Archives and Library
Board Member, The Regional Partnership, 1989-91
Member, Advisory Committee, Constitutional Rights Foundation, Chicago
Vice President, Edmonds-Peabody PTA, Washington, DC
Volunteer work in many political campaigns
Volunteer work with Ralph Nader on American Indian issues, 1966
Member Advisory Boards or faculty associate of the following:
Urban Education Advisory Board, ASCD, Council of Urban

Boards of Education, National School Boards Association,
Community 2000, Leadership Conference on Civil Rights,
Poverty and Race Research Center, Hispanic Border
Leadership Initiative, International Reading Association.
Member, Committee on Women's Employment and Related Social Issues, National Academy of
Sciences, which prepared report: *Women's work, men's work: Sex segregation on the job*.
(Washington: National Academy Press, 1986).

Research Grants and Contracts:

Carnegie Corporation
Ford Foundation
Spencer Foundation
Joyce Foundation
MacArthur Foundation
Gates Foundation
Mott Foundation
Woods Charitable Fund
U.S. Dept. of Housing and Urban Development
U.S. Dept. of Education
Southern Education Foundation
Schwartz Foundation
Primerica Foundation
Lilly Endowment
Gunn Foundation
Smith-Richardson Foundation
Mellon Foundation
Rockefeller Foundation
Graustein Foundation
Atlantic Philanthropies
Knight Foundation
Irvine Foundation
Eleanor Foundation
Rockefeller Foundation
Kentucky Council on Postsecondary Education
Chicago Economic Development Commission
Open Society Institute
Pew Hispanic
Southern Poverty Law Center
California State Univ. Faculty Association
Education Commission of the States
Hewlett Foundation
Mellon Foundation
Buffalo Board of Education
California Attorney General's Office
California Endowment

PATRICIA GANDARA

EDUCATION

Ph.D., Educational Psychology, 1979
University of California, Los Angeles
M.S., Counseling/School Psychology, 1972
California State University, Los Angeles
B.A., Sociology/English Literature, 1969
University of California, Los Angeles

Certificate in Spanish Language and Literature, 1974
Universidad Menéndez-Pelayo, Santander, Spain

EMPLOYMENT HISTORY

2014-present	Professor Emerita/ Research Professor University of California, Los Angeles
2007-2013	Professor, School of Education and Information Studies University of California, Los Angeles
2000-2006	Professor, School of Education University of California, Davis
1998-1999	Visiting Scholar, Graduate School of Education & Civil Rights Project, Harvard University
1995-1998	Associate Professor, School of Education University of California, Davis
1990-1995	Assistant Professor, School of Education, University of California, Davis
1987-1990	Associate Professor, School of Education, California State University, Sacramento
1985-1988	Director, Education Research Program Assembly Office of Research, California Legislature
1980-1985	Associate Social Scientist RAND Corporation, Santa Monica, CA
1981	Lecturer, Graduate School of Education, University of California, Los Angeles

1979	Lecturer, Department of Counseling Psychology, University of California, Santa Barbara
1977-1980	Research Associate, Juárez & Associates, Los Angeles, CA Co-Director, National Evaluation of Bilingual Head Start (Funded by Agency for Children, Youth & Families of HEW)
1972-1975	Psychologist (Bilingual); Director, Diagnostic Clinic Los Angeles Unified School District

GOVERNMENTAL BODIES

2011-2017	Commissioner, White House Commission on Educational Excellence for Hispanics
1990-1992	Commissioner, California Planning Commission for Educational Technology. (Charged with developing a Master Plan for educational technology for California. Appointed by the California Legislature)
1981-1986	Commissioner, California Postsecondary Education Commission, Sacramento, CA (Oversight of all higher education policy for the state)
1976-1979	Commissioner, Los Angeles County Commission on the Status of Women

INDEPENDENT RESEARCH ORGANIZATIONS

2007-	Co-Director, The Civil Rights Project/Proyecto Derechos Civiles University of California, Los Angeles
2005-2006	Director, Center for Applied Policy in Education, University of California, Davis
2003-2006	Co-Director, Policy Analysis for California Education (PACE) Consortium with UC Berkeley and Stanford University
2000-2009	Associate Director, Linguistic Minority Research Institute and Director, Education Policy Center, UC Davis
1998-2008	Board Member, Representing the University of California, West Ed, San Francisco, CA

RECENT HONORS

2023	“Outstanding Friend of Public Education,” Horace Mann League
2023	Elected to the American Academy of Arts and Sciences
2023	Lifetime Achievement Award in Bilingual Education Research, American Educational Research Association, Bilingual SIG
2019	Medalla de Alfonso García Robles, “Labores en favor de personas migrantes,” Universidad Nacional Autónoma de México
2019	Yvonne B. Burke Los Angeles County Human Rights Commission Award for “bold, dauntless action to advance human relations”
2016	Presented the first AERA Centennial Lecture in New York entitled “Educating English learners in an anti-immigrant era.”
2015	Distinguished Career Award, Scholars of Color in Education, American Educational Research Association
2015	Inducted into the National Academy of Education
2014	Educator of the Year, Loyola Marymount University
2011	Presidential Citation for Outstanding Contributions to Education Research, American Educational Research Association
2011	100 Most Influential Hispanics in the U.S., Hispanic Business Magazine
2011	Commissioner, White House Commission on Educational Excellence for Hispanics, sworn in by SCOTUS Justice Sotomayor
2011	Elected Fellow of the American Educational Research Association
2009	Fellow, Sudikoff Foundation for Education and Media
2009	Fellow/Lecturer, Sciences Po (Graduate Institute), Paris, France
2005	Fellow, Rockefeller Foundation Bellagio Center (Italy)
2005	Distinguished Public Service Award, U of California, Davis
2005	Outstanding Latino faculty in higher education, American

Association of Hispanics in Higher Education

RECENT FUNDED RESEARCH PROJECTS

2020-2023	21 st Century Civil Rights Agenda, Gates Fdn, \$500,000
2018-2019	Dallas Integration Initiatives, Mission Foods, SMU, \$20,000
2018-2019	Equity in Dual Language Education, Spencer Foundation, \$50,000
2015-present	UC-Mexico Education Initiative, Office of the President of UC, \$500,000
2016	Seizing the Opportunity to Close Achievement Gaps for English Learners, California Community Foundation, \$10,000
2015	Students We Share, Ford Foundation, \$50,000
2013	Access to Higher Education and Community Colleges, Ford Foundation, \$200,000
2012	Factors Influencing Positive Academic Outcomes for Latinas, Eva Longoria Foundation, \$75,000
2012	Evaluación del Programa IME Becas, Instituto de Mexicanos en el Exterior, Secretaria de Relaciones Exteriores, México, \$65,000MN
2012	Benefits of Bilingualism in the Labor Market, ETS, \$50,000
2010	Los Estudiantes que Compartimos, Conference in Mexico City on the Students we Share, UC MEXUS \$20,000
2010	From Crisis to Possibility: A New Research Agenda for the Education of English Learners, Ford Foundation, \$100,000
2009	Horne v Flores: Addressing the Needs of the Court, Foundation for Child Development, \$10,000
2008-present	Project SOL, US/Mexico Binational Research Initiative for Secondary Immigrant Students, Irvine Foundation, Gates Foundation, Carnegie Corporation, \$1.14 M
2007-10	Breaking the Chain of Failure: From Weak High Schools to Higher Performing Community Colleges, Ford Foundation, \$250,000

2007	English Learner Policy for California, Gates Foundation, \$52,000
2005-06	Resource Needs for California's English Learners Multi-Foundation Consortium, \$40,000
2005-06	Latinos in the Community Colleges: Successful transfer strategies, University of California, Office of the President, \$60,000
2005-06	US/Mexico Dual Accreditation of secondary curriculum Irvine Foundation, \$80,000
2003-04	PACE at UC Davis, Hewlett Foundation, \$330,000
2004-05	Understanding Student Diversity in the Community Colleges, Irvine Foundation, \$69,000
2004-05	A Survey of Teachers of English Learners, Center for the Future of Teaching and Learning, \$41,000
2004-05	A Study of Mexican Educational Initiatives for Mexican Students In the US, Instituto de Mexicanos en el Exterior, Secretaria de Relaciones Exteriores, Mexico, \$20,000 USD
2004-05	US-Mexico Education Initiative, UC MEXUS, \$12,000
2004-05	Secondary English Learners, Hewlett Foundation, \$60,000
2001-05	UC ACCORD, Research Working Group, Office of the President of the University of California, \$139,00
2000-01	Strategies to Increase Diversity in the Health Professions, Bureau of Health Professions, National Institutes of Health, Washington DC. (\$41,000)
2000-02	Puente Research Agenda, Puente Project, Office of the President, University of California, \$285,000

PROFESSIONAL ORGANIZATIONS

Editorial Advisory Board, American Journal of Education, 2010-present

Editorial Board, American Educational Research Journal, 2008-2013

Editorial Board, Sociology of Education, 2004-2010

Chair, Committee on Scholars of Color, American Educational Research Association, 2002-2005

Chair, Annual Award for Social Justice, American Educational Research Association, 2003-2004

Member, Social Justice Action Committee, American Educational Research Association, 2003-2005

Standing Committee on the Program, American Educational Research Association, 1999-2001

President and Treasurer, Sociology of Education Association, 1996-98

President, Sociology of Education Association, 1995-96

Program Chair, Division G, Social Context of Education, American Educational Research Association, 1995-96

Chair, Hispanic SIG, American Educational Research Association, 1992-93

Reviewer for Anthropology and Education Quarterly, American Educational Research Journal, Educational Policy, Educational Evaluation and Policy Analysis, Sociology of Education, Hispanic Journal of Behavioral Sciences, Teachers College Record, Urban Education, Comparative Education Review, Teacher Education Quarterly, Child Development, State University of New York Press, University of Arizona Press, University of California Press, McGraw Hill, Westview Press, Erlbaum, Temple University Press, Harvard University Press, Teachers College Press, Russell Sage Press.

PUBLICATIONS

Books, Monographs, and Edited Journal Issues

- 2021 Gándara, P. & Ee, J. *Schools Under Siege: Immigration Enforcement and Educational Equity*. Cambridge: Harvard Education Press.
- 2021 Gándara, P. & Jensen, B. *The Students we Share: Preparing US and Mexican Teachers for Our Transnational Future*, Albany: State University of New York Press.
- 2014 Callahan, R. & Gándara, P. (Eds). [*The Bilingual Advantage: Language, Literacy and the U.S. Labor Market*](#). Bristol: UK: Channel View/Multilingual Matters
- 2012 Rios-Aguilar, C. & Gándara, P. (Eds). [*Horne v. Flores and the Future of Language Policy: Special Issue*](#). *Teachers College Record*, 114, 9
- 2012 Rios-Aguilar, C. & Gándara, P. (Eds) (Re) [*Conceptualizing and \(Re\) Evaluating Language Policies for English Language Learners: The Case of Arizona, Special Issue*](#) *Language Policy*, 11, 1
- 2010 Gándara, P. & M. Hopkins (Eds.) [*Forbidden Language: English Learners and Restrictive Language Policies*](#). New York: Teachers College Press.
- 2009 Gándara, P. & Contreras, F., The [*Latino Education Crisis. The Consequences of Failed Social Policies*](#). Cambridge: Harvard University Press.
- 2006 Gándara, P., Orfield, G., & Horn, C. (Eds) [*Expanding Opportunity in Higher Education, Leveraging Promise*](#). Albany: State University of New York Press.
- 2005 Gándara, P., Orfield, G. & Horn, C. (Eds) [*The Access Crisis in California Higher Education: Harbinger of the Future: Special Issue*](#). *Educational Policy*, 19, May.
- 2005 Gándara, P., [*Latino Achievement: Identifying Models that Foster Success*](#), National Center for the Gifted and Talented, University of Connecticut, Storrs, CT.
- 2004 Gibson, M., Gándara, P. & Koyama, J. [*School Connections: U.S. Mexican Youth, Peers, and School Achievement*](#), New York: Teachers College Press.
- 2002 Gándara, P. & Moreno, J. [*The Puente Project: Issues and Perspectives on*](#)

- [Preparing Latino Youth for Higher Education](#). *Educational Policy*, 16, September.
- 2001 Cooper, C. & Gándara, P. [Special Issue: When Diversity Works: Bridging Families, Peers, Schools, and Communities](#), *JESPAR*, 6, 1 & 2.
- 2001 Gándara, P. with Bial, D. [Paving the Way to Postsecondary Education: K-12 Intervention Programs for Underrepresented Youth](#). Washington D.C.: National Center for Education Statistics.
- 2000 Gándara, P. (ed.) [The Dimensions of Time and the Challenge of School Reform](#). Albany: State University of New York Press.
- 1999 Gándara, P. and J. Maxwell-Jolly. [Priming the Pump: Strategies for Increasing the Achievement of Underrepresented Minority Undergraduates](#). New York: College Board
- 1995 Gándara, P. [Over the Ivy Walls: the educational mobility of low-income Chicanos](#). Albany: State University of New York Press.

Journal Articles and Chapters

- 2022 Gándara, P. “Reflexiones sobre lo que conviene que los maestros mexicanos conozcan sobre la educación básica en Estados Unidos,” in Hamann, E. T., Zúñiga, V., & Sánchez García, J. (Eds.) *Lo que conviene que los maestros mexicanos conozcan sobre la educación básica en Estados Unidos* [What Mexican Teachers Need to Know About ‘Educación Básica’ in the United States]. Monterrey, Mexico: UANL/Secretaria de Educación Nuevo León.
- 2021 Gándara, P. The gentrification of dual language programs: A commentary, *Language Policy*, 20, 525-530.
- 2021 Gándara, P. & Orfield, G. What shall be the future for the children of migration? —LASANTI and the educational imperative. Chapter 6 In E. Tellez & R. Hinojosa (eds) *The Trump Paradox*. Berkeley: University of California Press.
- 2020 Cuellar, M. & Gándara, P. Promoting access and equity for underrepresented racial minorities? An examination of policies and practices in community college baccalaureate programs, *Community College Review*, 49, 52-75.
- 2020 Gándara, P. Equity considerations in addressing English learner segregation, *Leadership and Policy in Schools*, 19, 141-143.

- 2020 Gándara, P. The students we share: Falling through the cracks on both sides of the U.S.-Mexican border, *Journal of Ethnic and Racial Relations*, 43, 38-59
- 2019 Ee, J. & Gándara, P. The impact of immigration enforcement on the nation's schools, *American Educational Research Journal*, 57, 840-871.
- 2019 Zárate, M.E. & Gándara, P. Can the LCFF improve teaching and learning for EL students? A Review of the emerging research in California and directions for future implementation, *Peabody Journal of Education*, 94, 157-175.
- 2019 Mordechay, K., Gándara, P. & Orfield, G. (2019). Embracing the effects of demographic change, *Educational Leadership*, 76, 34-43.
- 2018 Gándara, P. The economic value of bilingualism in the United States, *Bilingual Research Journal*, 41, 334-343.
- 2018 Gándara, P., English Learners: Challenging bias, seeking justice, in S. Biegel, R. Kim, & K. Welner, Education and the Law, Fifth Edition. New York: West-Thomson/Reuters (American Casebook Series).
- 2018 Gándara, P. Betraying Our Immigrant Students, *Phi Delta Kappan*, 100, 48. September.
- 2017 Gándara, P. English learners, immigrant students, and the challenge of time. In Saunders, M., Ruiz de Velasco, J., & Oakes, J. (eds), Learning Time in Pursuit of Educational Equity. Cambridge, MA: Harvard Education Press. Pp. 145-160.
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“California Higher Education and Diverse Cultural Identities: New Dynamics for Traditional Roles”, 14th Annual Envisioning California Conference, Sacramento Convention Center, Sacramento, CA. September 27, 2002

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Exhibit B

to Joint Declaration of Patricia Gándara and
Gary Orfield

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